

LICENSING SUB-COMMITTEE: 16 September 2016

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: CCCP/01730

Name of Premises: The Libertine Cocktail Bar (formerly Barbucci) Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Variation, has been received from H&S Number 3 Limited in respect of The Libertine Cocktail Bar (formerly Barbucci), 28 High Street, Cardiff CF10 1PU.

1.2 The current conditions attached to the Premises Licence:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on the premises.

2. The provision of late night refreshment.

(2) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Monday to Sunday: 11:00 to 23:59

(3) The premises are permitted to provide licensable activities during the following hours:

1. The sale by retail of alcohol for consumption on the premises:

Monday to Sunday: 11:00 to 23:30

2. The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 23:30

1.4 The following application for variation is now made:

1. To extend the hours permitted for the sale of alcohol for consumption on the premises:

Sunday to Thursday: 10:00 to 00:30

Friday and Saturday: 10:00 to 01:30

2. To add regulated entertainment in the form of recorded music (indoors):

Sunday to Thursday: 10:00 to 01:00

Friday and Saturday: 10:00 to 02:00

3. To extend the opening hours at the premises:

Sunday to Thursday: 10:00 to 01:00

Friday and Saturday: 10:00 to 02:00

4. To remove the following conditions:

i) There will be table meals offered at all times the premises are open to the public.

ii) At least 80% of the licensable area will be laid with tables and chairs for the purpose of consuming meals.

2. **Promotion of Licensing Objectives.**

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

3. **Relevant Representations**

Representations have been received in respect of the application, copies of which are enclosed with the report.

4. **Legal Considerations.**

4.1 The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. **Issues for Discussion.**

5.1 The appropriateness of the hours of operation and conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

01 September 2016

Barker, Kirstie

From: Jones, Gillian (Pollution)
Sent: 03 August 2016 10:11
To: Licensing (Licensing, Regulatory)
Subject: Licensing Act 2003: Variation Application: Libertine Cocktail Bar, 28 High Street, Cardiff, CF10 1PU.
Attachments: CLLR.Report.Libertine Cocktail Bar 28 High Street CF10 1PU 27 07 2016.pdf; 01730 Variation.716.pdf

Dear Licensing

I object to the application on public nuisance grounds.

There are 8 flats above (at 28a High Street).

Historically this premises has closed earlier (until 23:30 Monday to Sunday (before it was Pizza Hut closing at 00:00 Mon- Sat and 23:30 on Sunday).

The new cocktail Bar have asked for extension to opening hours until 01:00 Mon –Thurs and until 02:00 Friday and Saturday.

I am concerned about possible noise nuisance, especially from loud amplified music and regulated entertainment at the venue if the cocktail bar is allowed to open to this later time.

It would be keen for the new owners to carry out the following:

- (1) Investigate the sound insulation properties between the commercial and residential units and
- (2) Install a noise limiter

Kind regards



Mrs Gillian Jones

Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

Phone | Ffôn: 02920871819

e-mail / e-bost: Gillian.Jones@Cardiff.gov.uk

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Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

From: Jones, Gillian (Pollution)

Sent: 01 August 2016 14:52

To: Licensing (Licensing, Regulatory)

Subject: FW: Licensing Act 2003: Variation Application: Libertine Cocktail Bar, 28 High Street, Cardiff, CF10 1PU.

Griffiths, Paul (PPE)

1730

From: Huw Jones <huw@the-libertine.co.uk>
Sent: 23 August 2016 17:22
To: Rob.Gunstone@south-wales.pnn.police.uk; Licensing (Licensing, Regulatory)
Subject: RE: CCCP/01730 The Libertine

To Whom It May Concern,

Please take this response as formal confirmation that the applicant company agrees to all of the conditions listed by South Wales Police in their representations.

Regards

Huw Jones

Director
07766 650699

From: Rob.Gunstone@south-wales.pnn.police.uk [mailto:Rob.Gunstone@south-wales.pnn.police.uk]
Sent: 23 August 2016 16:55
To: licensing@cardiff.gov.uk
Cc: huw@the-libertine.co.uk
Subject: CCCP/01730 The Libertine

Please find attached Police representations in respect of the variation to the existing premises licence at 28 High Street Cardiff. The attached representations have been discussed with the applicant. Should the applicant agree to the conditions, then the Police will withdraw any objection to this application.

ROB GUNSTONE.
Pc 3487

Police Licensing Department
Cardiff Bay Police station.
James Street
Cardiff
CF10 5EW

Tel 029 20 634159

Mob 07584 004356

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101... Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.
Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101... The number can be used to report a non-emergency to any force in Wales and England.
In an emergency, always dial 999.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <http://www.south-wales.police.uk/e-mail-confidentiality-statement/>



1730.

Police Licensing Department .
Cardiff Bay Police station.
James Street,
Cardiff.
CF10 5EW.

23rd August 2016

Libertine Cocktail Bar
28 High Street.
Cardiff
CF10 1PU.

**APPLICATION FOR A VARIATION UNDER THE LICENSING ACT 2003.
LIBERTINE COCKTAIL BAR, 28 HIGH STREET , CARDIFF CF10 1PU.**

To whom it may concern,

I have caused enquiries to be made into this application. The premises has been the subject of a site visit and the application has been discussed with the applicant.

The applicant has requested an extention to the existing hours permitted to the sale of alcohol for consumption on the premises as follows;

Sunday to Thursday – 10:00- 00:30
Friday and Saturday - 10:00- 01:30

To add regulated entertainment in the form of recorded music { indoors}

Sunday to Thursday 10:00- 01:00.
Friday to Saturday 10:00- 02:00

To extend the opening hours;

Sunday to Thursday 10:00- 01:00
Friday to Saturday 10:00- 02:00

The applicant also seeks to remove the following conditions

i] There will be table meals offered at all times the premises are open to the public.

RESTRICTED

ii] At least 80 % of the licensable area will be laid with tables and chairs for the purpose of consuming meals.

The premises are situated within a cumulative impact zone. The area of High Street and St Mary Street experiences a disproportionate amount of alcohol related crime, disorder and nuisance. The correlation between the increased availability of alcohol and an increase in Crime Disorder and Nuisance is well known. The applicant has submitted a comprehensive application within which he applicant has addressed a number of the issues raised by the Police.

I therefore ask that the Licensing Committee hear the following representations made by the Police, who in principle, make no objection to the granting of this application, subject to the applicant agreeing to the below conditions.

POLICE REPRESENTATIONS.

The Police make no objection to the extension of the Hours or to the removal of the above referred to conditions. In addition the following conditions are requested. Should the applicant agree to these conditions, then the Police will withdraw their objection to this application.

1.CCTV

' A CCTV system will be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises to which the public have access { excluding toilets } including all public entrances and exits, extending to the middle of High Street. The images will be kept for a minimum of 31 days .

The images will be produced to a Police employee or an authorised officer from a relevant authority in a readily playable format upon request when the premises are open to the public and at all other times as soon as is reasonably practicable. There will be sufficiently trained staff to facilitate this condition'

2. 'Challenge 25'

'The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage, displayed in prominent positions in the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.

All permanent staff will receive the appropriate Challenge 25 training, having completed a minimum of six continuous weeks of employment'.

3. Incident book

'An incident book will be kept and maintained at the premises at all times. It shall be made available on request to an authorised officer of the local authority or a Police Officer. This book will record the following;

All crimes reported to the venue.

All refusals of the sale of alcohol

Any ejections of Patrons

Any disorder on the premises.

Any drugs seized at the premises

Any visit by representatives of a relevant authority or emergency service.'

RESTRICTED

4. Major Events

'On those days designated by South Wales Police as major event days in Cardiff, all drinks will be served in 'non glass' vessels.

5. Drugs Safe

'The premises will adopt the drug safe scheme. A lockable Drugs safe will be installed at the premises, accessible only to a Police officer or member of Police staff. Any drugs seized at the premises will be recorded in the premises incident book. This entry will record the date and time of the seizure, the details of the person seizing the items, a description of the items and the circumstances of the seizure. Where its is suspected that a person is supplying drugs then Police will be contacted at the time'.

6. Door staff.

'SIA registered doorstaff will employed at the premises, on a ratio of 1:100, from 21:00hrs until close on Fridays and Saturdays. On all major event days SIA registered doorstaff will be employed at the premises on a ratio of 1-100 for a period of 2hrs before the commencement of the event until close of the premises. A major event is defined as any event designated as such by South Wales Police and published on their website or as published on the website of the Cardiff Licencees Forum'.

7. 'The premises shall operate a South Wales Police approved radio net system connected to the Police camera operator '.

8. 'The Operator will be an active member of the Cardiff Licencees Forum'.

9. 'The emptying of bottle bins into skips and the pre arranged removal of refuse will not take place between the hours of 21:00 and 09:00hrs daily'.

10. 'Signs will be displayed in the premises advising customers to leave the premises quietly'.

11. 'Children under the age of 18 will not remain on the premises after 17:00hrs and will be required to be accompanied by an adult at all times'.

12. External area

[i] There will be no external speakers.

[ii] All windows and doors to be closed by 21:00. Windows to be secured.

[iii] The use of tables and chairs on the highway will be subject to a valid highways licence issued by the Cardiff Council Highways Department. The use of said tables and chairs will be within those hours as stipulated by the highways licence.

13. Internal

At least 70% of the public space within the licensable area of the premises shall be occupied by tables and chairs.

14. A Personal Licence Holder will be present at all times whilst the premises is open to the public and alcohol is offered for sale.

RESTRICTED

15. Any bottles of spirits { being alcohol with an ABV of 15% and above } will be fitted with a measured pourer device as approved by South Wales Police.


16. Any area designated as a VIP area within the premises will be monitored by a designated host/hostess on a ratio of 1-10 customers.

For your consideration and approval .

Yours faithfully,

D Howe.

Chief Inspector.

PP A C Insp
Jasa Rees


COPY TO:
Claire HARTREY
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall,
Cardiff.
CF10 3ND

RESTRICTED

1130
Barker, Kirstie

From: Griffiths, Paul (PPE)
Sent: 22 August 2016 10:37
To: Barker, Kirstie
Subject: FW: New Licensing

Hiya,

This I suppose is agreement of the wording for the condition relating to children at the premises the applicant offered up.

Cheers,

Paul.

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

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From: Coleman, Ceri
Sent: 19 August 2016 13:10
To: Griffiths, Paul (PPE) <pgriffiths2@cardiff.gov.uk>
Subject: FW: New Licensing

Hi Paul

Obviously with the change of wording we no longer have any objections.

Ceri

Ceri Coleman

Diogelu & Adolygu/ Safeguarding & Reviewing
Gwasanaethau Plant/ Children's Services
Ystafell 337/Room 337
Neuadd Y Ddinas/ County Hall
Caerdydd/Cardiff
CF10 4UW
Tel: 02922 330881

From: Huw Jones [<mailto:huw@the-libertine.co.uk>]
Sent: 17 August 2016 15:12
To: Griffiths, Paul (PPE)
Cc: Coleman, Ceri; Barker, Kirstie; Cyrille, Debbie
Subject: RE: New Licensing

Hi Paul,

Thanks for raising this. Ceri is quite correct, and the wording is an error. It should have read "children will be required to be accompanied by an adult at all times, and will in any case not be allowed into the venue after 5pm". I apologise for the confusion, and hope the revised wording is satisfactory.

Many thanks

Huw

From: Griffiths, Paul (PPE) [<mailto:pgriffiths2@cardiff.gov.uk>]
Sent: 17 August 2016 09:57
To: 'huw@the-libertine.co.uk' <huw@the-libertine.co.uk>
Cc: Coleman, Ceri <Ceri.Coleman@cardiff.gov.uk>; Barker, Kirstie <kibarker@cardiff.gov.uk>; Cyrille, Debbie <Debbie.Cyrille@cardiff.gov.uk>
Subject: FW: New Licensing

Hi Huw,

Can you clarify the point raised in Ceri's e-mail as Children's Services may wish to make a valid representation to your application under licensing objective 'Protection of Children From Harm'.

Ceri – If no response is received please submit any potential rep by 24th August 2016 – the licensing sub-committee hearing will be arranged shortly after.

Thanks all,

Regards,

Paul.

Paul Griffiths
Licensing Section
City of Cardiff Council.

From: Coleman, Ceri
Sent: 16 August 2016 10:18
To: Griffiths, Paul (PPE) <pgriffiths2@cardiff.gov.uk>; Barker, Kirstie <kibarker@cardiff.gov.uk>
Subject: New Licensing

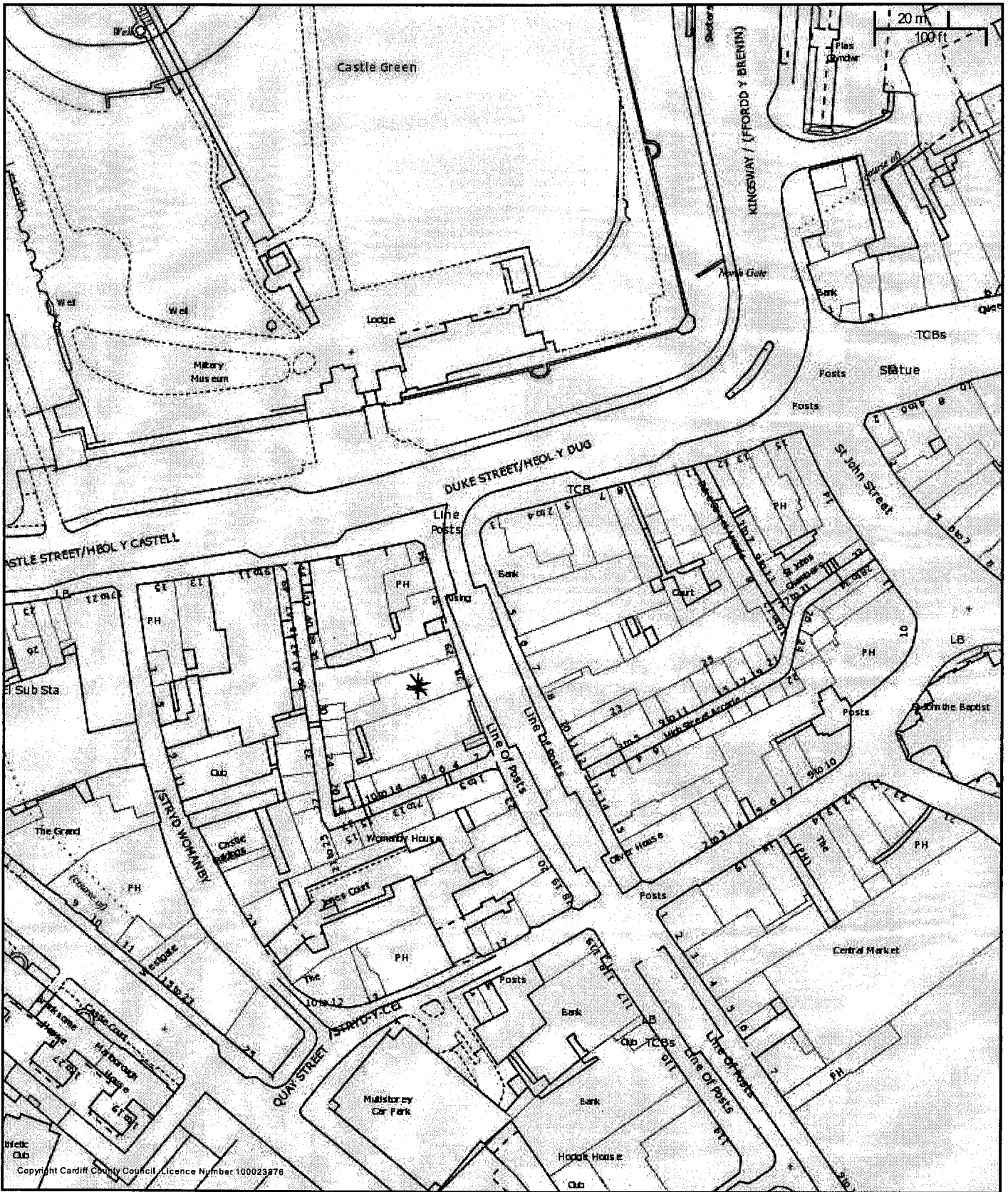
Hi Paul/Kirstie

There are concerns raised by Debbie Cyrille, Safeguarding Manager for Safeguarding and Reviewing (Children Services) on the following license:

CCCP/01730	The Libertine Cocktail Bar	28 High Street, Cardiff, CF10 1PU	28/07/2016	24/08/2016
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Under Licensing Objectives, section e, number 2 – it states 'Children will be required to be accompanied by an adult after the hours of 17.00'

As it is a cocktail bar which is open from 10.00am is this a mistake. Should it read that children will required to be accompanied by an adult at all times and possibly not allowed in after a certain time.



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CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

Scale: 1:1417

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